UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,410	01/27/2004	Peter Samuel Marx	89220.0005	2194

26021 7590 10/17/2006

HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES, CA 90067

EXAMINER	
LE, DEBBIE M	

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/765,410	MARX ET AL.	
	Examiner	Art Unit	
	DEBBIE M. LE	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments filed on 8/1/06. Claims 1-15 are pending for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 8-10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hose (US Patent 7,024,205 B1) in view of Gailey et al (US Patent Application Pub. No. 2005/0027590 A9).

As per claim 1, Hose discloses a contextual location-based service apparatus, comprising:

a) a computer-based infrastructure (Fig. 1), comprising:

1) **at least one database for storing information on at least one location** (col. 5, lines 65-67, as the service information includes a database of service providers indexed to corresponding service locations);

2) **a context manager, coupled to the database, for indexing and sorting the information stored in the database** (col. 3, lines 35-41, as a network administrator allows service providers to register in a location-based service provider database, and the appropriate location information can be indexed to the service provider in the service provider database);

3) **a contribution engine, coupled to the database, for entering, storing, managing, and retrieving additional information in the database** (col. 5, 1-9, lines 65-67, as network platforms 112 can access, receiving and indexing the service information in a database of service providers corresponding to service location);

4) **a locator, coupled to the contribution engine and the database, for converting a plurality of references to a specific location to a common location designation** (col. 5, lines 57-59, col. 6, lines 1-4, as GIS, service locations may be stored in the form of latitude/longitude data, corresponding GIS or street address data, zip code or other regional or service area indicators, or other appropriate identifiers);

5) **a location browser, coupled to the database, for retrieving and reviewing information in the database** (col. 6, lines 55-66, as an Internet data link 122).

Hose does not explicitly teach at least one client, which communicates with the infrastructure, for at least entering and editing location-based information in the database. However, **Gailey** discloses b) **at least one client** (Fig. 1, # 12, as a user of remote terminal,), **which communicates with the infrastructure** (Fig. 1, # 14, as carrier infrastructure,), **for at least entering and editing location-based information in the database** (Para. 0019, 0099, 0103, as remote terminal, thus the user, subscribes to the location-based services system 10, are capable of creating (i.e., entering), modifying (i.e., editing) business listings that are provided to users of the location-based services system at their respective business location (i.e., location-based information). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to implement the step of allow user to enter and edit location-based information in the location-based system because it would encourage users (i.e., business users or advertisers) to have a desire to provide content to the users, as suggested by Gailey (para. 0006).

As per claim 2, Hose teaches comprising a link manager, coupled to the database, for linking a plurality of locations within the database to each other (col. 6, lines 5-11).

As per claim 8, Hoses discloses a method for providing contextual location-based information, comprising:

associating a plurality of information to the transition between locations (col. 5, lines 65-67, as the service information includes a database of service providers indexed to corresponding service locations);

determining a location reference for each piece of contextual location-based information (col. 5, lines 57-59, col. 6, lines 1-4, as GIS, service locations may be stored in the form of latitude/longitude data, corresponding GIS or street address data, zip code or other regional or service area indicators, or other appropriate identifiers);

sorting the contextual location-based information by determined location reference (col. 3, lines 35-41, as a network administrator allows service providers to register in a location-based service provider database, and the appropriate location information can be indexed to the service provider in the service provider database);

accessing the database by a location query (col. 6, lines 55-57, receiving a subscriber's service request (i.e., Fig. 1, # 102), **wherein the location query is compared to the determined location reference of the contextual location-based information** (col. 8, lines 1-17, as the system compares the received LFE data and service information to identify candidate service providers based on location); **and**

reporting results of the location query to at least one other client (col. 3, lines 42-46, delivering location-based service information to the subscriber may involve receiving and LFE based input regarding the service provider's location and providing service information to the subscriber based on the input regarding the service provider's location).

Hose does not explicitly teach entering, using at least one client, a plurality of pieces of contextual location-based information into a database. However, **Gailey** discloses entering, using at least one client, a plurality of pieces of contextual location-based information into a database (Fig. 1, # 12, Para. 0019, 0099, 0103, as a user of remote terminal, thus the user, subscribes to the location-based services system 10, are capable of creating (i.e., entering), modifying (i.e., editing) business listings that are provided to users of the location-based services system at their respective business location (i.e., location-based information). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to implement the step of allow user to enter a plurality of pieces of contextual location-based information into a database because it would encourage users (i.e., business users or advertisers) to have a desire to provide content to the users, as suggested by Gailey (para. 0006).

As per claim 9, Hose teaches entering a fee amount for accessing a specific piece of contextual information; and charging the fee amount to a user before, during, or after the specific piece of contextual information is accessed (col. 3, lines 50-54).

As per claim 10, Hose teaches linking at least two determined location references to each other (col. 6, lines 1-11).

As per claim 15, Hose discloses a contextual location services system, comprising:

a database for storing contextual location-based information on a plurality of geographic locations (col. 5, lines 57-67, as the service information includes a

database of service providers indexed to corresponding service locations (i.e., GIS data and service zones of particular service provider)), **and**

a client (as a subscriber 102, Fig. 1), **which communicates with the database, for retrieving the stored contextual location-based information** (col. 6, lines 63-65, receiving a subscriber's service request (i.e., Fig. 1, # 102), delivering location-based service information to the subscriber may involve receiving and LFE based input regarding the service provider's location and providing service information to the subscriber based on the input regarding the service provider's location), **comprising a mobile communications device** (col. 3, lines 55-62, as wireless transceiver location),

wherein the client retrieves information based on geographic location and is able to select one or more pieces of contextual location-based information for presentation on the client (col. 7, lines 35-43, as the menu is displayed on the telephone such that a user can scroll through the menu and make a selection),

wherein presentation on the client includes audio presentation, video presentation, and audio/visual presentation (col. 6, lines 55-63, as voice and data link), **and the contextual location-based information includes at least location information and at least one other piece of information about the geographic location** (col. 6, lines 18-29, as providing local food outlet, service station or hotel information, the location-based service information can include not only information regarding service providers in the vicinity of the subscriber, but can also identify local service providers meeting criteria specified by the profile information).

Hose does not explicitly teach a client, which communicates with the database, for entering the stored contextual location-based information. However, **Gailey** discloses a client, which communicates with the database, for entering the stored contextual location-based information (Fig. 1, # 12, Para. 0019, 0099, 0103, as a user of remote terminal, thus the user, subscribes to the location-based services system 10, are capable of creating (i.e., entering), modifying (i.e., editing) business listings that are provided to users of the location-based services system at their respective business location (i.e., location-based information). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to implement the step of allow user to a client, which communicates with the database, for entering the stored contextual location-based information because it would encourage users (i.e., business users or advertisers) to have a desire to provide content to the users, as suggested by Gailey (para. 0006).

Claims 3-7, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hose (US Patent 7,024,205 B1) in view of Gailey et al (US Patent Application Pub. No. 2005/0027590 A9) and further in view of Ford et al (US Patent 6,963,867 B2).

As per claim 3, **Hose and Gailey** do not explicitly teach a rating engine, coupled to the database, for rating information stored in the database. However, **Ford** discloses **a rating engine, coupled to the database, for rating information stored in the database** (col. 6, lines 20-32, as a web site 130 provides users an option to rate the located merchants (i.e., on a scale of 1-5) and to view the ratings entered by other

users. Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to allow users to entering ratings into the database in order to help other users of the system to review the previous rating information in order to identify the information of interest to them.

As per claim 4, Hose teaches a charge and payment manager, coupled to the database, for controlling access to information in the database and for collecting fees from a user of a client for accessing the controlled access information in the database (col. 3, lines 50-54, col. 8, lines 46-53).

As per claim 5, Hose teaches a mapping engine, coupled to the database, for providing to the client a visual output of information, thematic information, and metadata-stored in the database (col. 7, lines 35-40, col. 5, lines 56-59, col. 8, lines 1-19).

As per claim 6, Hose teaches a route planner, coupled to the link manager and the database, for accessing information stored in the database in sequence as the client travels between the plurality of locations (col. 8, lines 1-4, col. 7, lines 35-40).

As per claim 7, Hose teaches an Intellectual Property manager, coupled to the database and the charge and payment manager, for providing proper access to intellectual property stored in the database (col. 3, lines 3-6, 50-54).

Claim 11 has similar limitations as claim 3, therefore, it is rejected under the same subject matter.

As per claim 12, Hose teaches a storing visual data as at least a portion of the contextual information entered in the database, for providing to the client a visual output

of information stored in the database (col. 7, lines 35-40, col. 5, lines 56-59, col. 8, lines 1-19).

As per claim 13, Hose teaches linking a plurality of pieces of contextual information in the database, for accessing the pieces of contextual information stored in the database in sequence (col. 8, lines 1-4, col. 7, lines 35-40).

As per claim 14, Hose teaches controlling access to intellectual property entered as contextual pieces of information stored in the database (col. 8, lines 46-65).

Response to Arguments

Applicant's arguments 8/1/06 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DEBBIE LE
PRIMARY EXAMINER
10/4/06